

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

SKYLER LEROY GRIEBEL,

Plaintiff,

vs.

MONTANA BOARD OF PARDONS  
AND PAROLE; JAMIE MICHEL;  
JOHN OLSON; ARUTO GONZALES,

Defendants.

CV 21–35–H–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on October 12, 2021. (Doc. 6). Judge Johnston recommended that Plaintiff Skyler Leroy Griebel’s Complaint (Doc. 2) be DISMISSED; that the Clerk of Court should be directed to have the docket reflect that any appeal of this decision would not be taken in good faith pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure; and that the Clerk of Court should be directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED:**

1. This matter is **DISMISSED**. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
2. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain that the Complaint filed in this case is frivolous as it lacks arguable substance in law or fact.
3. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g). Griebel failed to state a claim upon which relief may be granted and his pleadings present an “obvious bar to securing relief.”

DATED this 2nd day of November, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court